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To:	Examiner Jeannine M. Brown	From:	Douglas W. Miller
Fax:	(703) 872.9310	Pages:	5
Phone:	(571) 272.1364	Date:	6/29/2004
Re:	USSN 09/728,267	CC:	

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

## ● Comments:

Official Papers.

Please deliver to Examiner Brown

Douglas W. Miller US Registration 36,608

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/728,267  
Applicant : Patrick Brant, et al.  
Filed : December 1, 2000  
TC/A.U. : 1755  
Examiner : Jennine M. Brown  
  
Customer No. : 25959  
Paper No. : 13  
Date : June 29, 2004

Confirmation No.: 3835

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION**

Sir:

In response to the Office Action mailed June 1, 2004, Applicants offer the following Communication.

In the Office Action of June 1, 2004, the Examiner states that the Amendment filed 10/06/03 was unresponsive. However, an Abandonment Notice was mailed 10/01/03. Accordingly, even if a response was filed 10/06/03, it was after the notice of Abandonment, and had no validity, as the case was already held to be Abandoned.

In response to the Notice of Abandonment, Applicants filed a Petition to Revive, along with the requisite fee, and an Amendment under 37 C.F.R. § 1.111 fully responsive to the Office Action of March 27, 2003; all of which were filed on January 22, 2004.

Therefore in response to the Office Action of June 1, 2004, Applicants' Agent telephoned the Examiner on June 7, 2004 to determine the status of the case. According to PALM, no Abandonment had been noted in the system. Therefore, on June 10, 2004, Applicants faxed all of the papers filed originally on January 22, 2004, as they too were not a part of the PALM record. For completeness of the record, Applicants are including as an attachment to this paper, the Notice of Abandonment.

2000U039.Comm.6.29.04.doc

- 1 -

Application No.: 09/728,267  
Communication dated: June 29, 2004  
Reply to Office Action of June 1, 2004

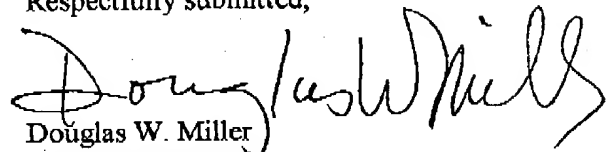
Applicants believe that the totality of the above communications have been and are fully responsive to the Official Papers of the PTO, and Applicants urge that the Examiner indicate her assent that no outstanding issues remain, and that the case will be passed to Allowance.

Note is made that the correspondence should be sent to:

Douglas W. Miller  
In representation of Univation Technologies, LLC  
c/o Judith A. Kruger  
5555 San Felipe, Suite 1950  
Houston, Texas 77056  
Facsimile: 713.892.3687

However the telephone number for Douglas W. Miller is (713) 780-7799.

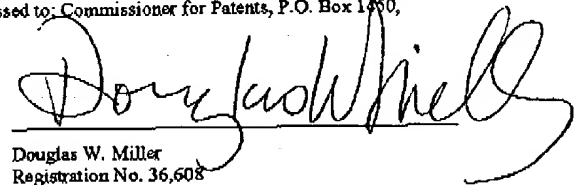
Respectfully submitted,

  
Douglas W. Miller  
Agent for Applicants  
Registration No. 36,608

Southwest Patent Services  
510 Bering Drive, Suite 300  
Houston, Texas 77057  
(713) 780-7799

CERTIFICATE OF TRANSMISSION/MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 29, 2004.

  
Douglas W. Miller  
Registration No. 36,608

JUN. 29. 2004 3:49PM UNIVATION LAW DEPT



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,267	12/01/2000	Brant Patrick	2000U039.US	3835
EXAMINER				
BROWN, JENNINE M				
ART UNIT		PAPER NUMBER		
1755				

25959 7590 10/01/2003  
UNIVATION TECHNOLOGIES LLC  
5555 SAN FELIPE, SUITE 1950  
HOUSTON, TX 77056

DATE DOCKETED

10/8/03  
By *[Signature]*

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

EOT - 3 20

JUN. 29. 2004 3:50PM

UNIVATION LAW DEPT

NO. 5795 P. 3

**Notice of Abandonment**

Application No.

08/728,267

Examiner

Jennine M. Brown

Applicant(s)

PATRICK ET AL

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 March 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.83(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
Mark L. Bell  
Supervisory Patent Examiner  
Technology Center 1700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 9